

Natural Resources and Environmental Protection Cabinet  
Kentucky Department for Environmental Protection  
Division for Air Quality

PERMIT

BELL COUNTY COAL CORPORATION  
ROUTE 1, BOX 290  
MIDDLESBORO, KENTUCKY 40965

RE: Coal Preparation Plant with a Unit Train Loadout located adjacent to KY 74, Middlesboro

Pursuant to your application which was determined to be complete by this office on November 1, 1996, the Natural Resources and Environmental Protection Cabinet issues this permit for the operation of the equipment specified herein in accordance with the plans, specifications, and other information submitted with your application. This permit has been issued under the provisions of KRS Chapter 224.10-100 and regulations promulgated pursuant thereto and is subject to all conditions and operating limitations contained herein. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet and/or other state, federal, and local agencies.

<u>POINT OF EMISSION</u>	<u>AFFECTED FACILITY</u>	<u>CONDITIONS</u>
01 (TD1,TD2)	Receiving Hoppers (2)	See General Condition #21.
(SC1)	Screen (Maximum Rated Capacity 750 tons/hour)	See General Condition #21.
(C1,C3)	Crushers (2) (Maximum Rated Capacity 650 tons/hour each)	See General Condition #21.
(B1)	Conveyor	See General Condition #21.

No deviation from the plans and specifications submitted with your application or the conditions specified herein is permitted, unless authorized in writing by the Division for Air Quality. Violations of the terms and conditions contained herein shall be grounds for the Department to seek revocation of this permit. All rights of inspection by the representatives of the Division for Air Quality are reserved. Responsibility for satisfactory conformance with all Air Quality Regulations must be borne by the permittee.

PERMIT NUMBER: S-96-057 (Revised)

FILE NUMBER: 101-0200-0054

REGION: Appalachian

COUNTY: Bell

SIC CODE: 1221

John E. Hornback, Director

Robert W. Logan, Commissioner

DEP7001 (1-93)

Issued this                      day of                      1996

**PERMIT - Continued**

<b><u>POINT OF EMISSION</u></b>	<b><u>AFFECTED FACILITY</u></b>	<b><u>CONDITIONS</u></b>
01 (B2,B3,B7-B20,B22, B23,T1-T10,T12,T15)	Conveyors (18) and Transfer Points (12)	See General Condition #21.
(B24,T13,T14)	Conveyor and Transfer Points (2)	See General Condition #21.
(B25)	Conveyor	See General Condition #21.
(B26)	Conveyor	See General Condition #21.
(RC2)	Unit Train Loadout	See General Condition #21.
(S5)	Silos (2)	See General Condition #21.
(C2)	Secondary Crusher (Maximum Rated Capacity 300 tons/hour)	See General Condition #21.
(RC1)	Railcar Loadout	See General Condition #21.
(TL1)	Truck Loadout	See General Condition #21.
02 (S2-S4)	Clean Coal Stockpiles (3)	See General Condition #23.
03 (PP1)	Washing Plant	See General Condition #21.
(B5,B6,T16)	Conveyors (2) and Transfer Point	See General Condition #21.
(TL2)	Truck Loadout (Refuse)	See General Condition #21.
04 (S1)	Raw Coal Stockpile	See General Condition #23.
05 (HR1, HR2,HR5)	Haul Roads and Yard Areas (Receiving)	See General Condition #22.

PERMIT - Continued

<u>POINT OF EMISSION</u>	<u>AFFECTED FACILITY</u>	<u>CONDITIONS</u>
05 (HR3,HR4)	Haul Roads and Yard Areas (Shipping)	See General Condition #22.

**GENERAL CONDITIONS:**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be (a) violation(s) of State Regulation 401 KAR 50:035E, Permits, Section 4 and is grounds for an enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. Any deviations from permit requirements, including those due to upset conditions, shall be promptly reported to the Division's London Regional Office. In accordance with State Regulation 401 KAR 50:055, General compliance requirements, Section 1, the reports shall describe the probable cause of the deviations and corrective actions or preventative measures taken.
3. This permit shall become null and void after five years following the date of issue. Application for renewal shall be made at least six months prior to the expiration date.
4. All records and support information required by State Regulation 401 KAR 50:035E, Permits, shall be retained at the source authorized by this permit for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
5. Periodic testing or instrumental or non instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:
  - a. Pursuant to State Regulations 401 KAR 50:012, General application, Section 1 (1) and 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, calibrated, properly maintained, and in operation according to vendors specifications at any time an affected facility for which the equipment and measures are designed is operated; except as provided by State Regulation 401 KAR 50:055, Section 1.
  - b. All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufactures. A log shall be kept of all routine and non routine maintenance performed on each control device.
  - c. A log of the monthly raw material consumption and monthly production rates shall be kept available at the plant. Compliance with the emission limits may be demonstrated by computer program (spread sheet), calculations or performance tests as may be specified and requested by the Division.

**PERMIT - Continued**

**GENERAL CONDITIONS:**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
7. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
8. The permit contained herein may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance shall not stay any permit condition.
9. The permit does not convey property rights or exclusive privileges.
10. The permittee shall perform compliance certification and record keeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 50:035E, Permits, Section 3(5).
11. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking, reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Division, copies of records, reports, and other information required by the permit to be kept.
12. The permit shall be subject to suspension at any time the permittee fails to pay all fees within 90 days after notification as specified in State Regulation 401 KAR 50:038, Air emissions fee.
13. The permittee shall allow the Cabinet or an authorized representative to perform the following:
  - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b. Have access to and copy, at reasonable times, any records required by the permit:
    1. During normal office hours, and
    2. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    1. During all hours of operation at the source,
    2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    3. During an emergency; and

**GENERAL CONDITIONS:**

- d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
  1. During all hours of operation at the source,
  2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
  3. During an emergency.
14. Nothing in this permit shall alter or affect the authority of the U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
16. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
17. Pursuant to State Regulation 401 KAR 50:035E, Permits, Section 4(7), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency if the notice met the requirement of State Regulation 401 KAR 50:035E, Permits, Section 4(1)(c)3.b., and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
18. Emergency provisions listed in General Condition 17 are in addition to any emergency or upset provision contained in an applicable requirement.
19. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.
20. Except as provided in State Regulation 401 KAR 50:035E, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements as of the date of the issuance of this permit.

**PERMIT - Continued**

**GENERAL CONDITIONS:**

21. The materials processed at all affected facilities included in emission points 01 and 03 as defined in State Regulation 401 KAR 60:250, Standards of performance for coal preparation plants, shall be either sufficiently wetted or enclosed so as not to equal or exceed 20% opacity as measured by Reference Method 9, as referenced in State Regulation 401 KAR 50:015, Documents incorporated by reference, Section 1.
22. The haul road and yard area, emission point 05, shall be controlled with water on a regular basis so as to comply with the requirements specified in State Regulation 401 KAR 63:010, Fugitive emissions.
23. The materials processed at emission points 02 and 04 shall be controlled by wet suppression so as to comply with the requirements specified in State Regulation 401 KAR 63:010, Fugitive emissions.
24. The permittee shall maintain daily activities and maintenance records to show the startup, shutdown, maintenance, malfunction, and repair of all air pollution control equipment. These records shall be made accessible upon request.
25. All previous permits issued for this source at this location are hereby null and void.